

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

SANTOS RAMOS RODRIGUEZ, :
Plaintiff :
: :
v. : CIVIL NO. 1:12-CV-393
: :
JUDGE JOHN H. CHRONISTER, :
et al., :
Defendants :
:

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Plaintiff brought this case pursuant to 42 U.S.C. § 1983. Presently before the court is the report and recommendation (“R&R”) (Doc. 12) of Magistrate Judge Smyser. Judge Smyser recommends that we dismiss the majority of Plaintiff’s claims, and that we transfer Plaintiff’s claims against the Department of Corrections Defendants to the U.S. District Court for the Western District of Pennsylvania.

Also pending before this court is a motion to transfer venue (Doc. 14), in which Plaintiff requests that we transfer his case to the Western District. Insofar as Plaintiff requests that his case be transferred in its “original” form, we can also construe his motion as an objection to Judge Smyser’s recommendation that the majority of his claims be dismissed.

Upon independent review of the record, we agree with Judge Smyser’s conclusion that it is appropriate to dismiss the majority of Plaintiff’s claims, for the reasons set forth in the R&R. Specifically, we agree that Plaintiff’s claims against the

Commonwealth of Pennsylvania are barred by the Eleventh Amendment; that Plaintiff's claims concerning his criminal judgment are barred by the holding of *Heck v. Humphrey*, 512 U.S. 477 (1994); that Plaintiff's claims against Defendants Chronister and Kennedy are barred by judicial immunity; and that Plaintiff's claims which arose in 2006 and 2007 are time-barred.

We will transfer Plaintiff's remaining claim—a claim against the Department of Corrections Defendants, concerning deductions from his prison account—to the Western District of Pennsylvania.

ACCORDINGLY, this 5th day of June, 2012, it is ORDERED as follows:

1. The R&R (Doc. 12) of Magistrate Judge Smyser is ADOPTED.
2. Plaintiff's motion to transfer venue (Doc 14) is GRANTED insofar as it requests that his case be transferred to the U.S. District Court for the Western District of Pennsylvania.
3. The Clerk of Court is directed to TRANSFER Plaintiff's claims against the Department of Corrections Defendants to the U.S. District Court for the Western District of Pennsylvania.
4. Plaintiff's remaining claims are DISMISSED.
5. Insofar as Plaintiff's motion to transfer venue (Doc 14) objects to the R&R's recommended dismissal of claims, such objections are overruled.
6. The Clerk of Court is directed to close this case.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge